

REMARKS

Claims 1-22 are currently pending in this application. The Office has rejected claims 1-18 and 20-22 under 35 USC § 102(e) as being anticipated by Ogasawara (U.S. Pat. No. 6,577,861). The Office rejected claim 19 under 35 USC § 103(a) as being unpatentable over Ogasawara in view of Sloane (U.S. Pat. No. 5,918,211). This is a non-final Office action and is responsive to Applicant's communication filed on or about February 4, 2008.

Amendments to the Specification

Applicant requests that the amendment to page 4 of the specification be entered into the application. No new subject matter is being entered. The amendment corrects a spelling error where the word "more" was incorrectly entered as "mare."

Amendments to the Claims

Applicant requests that the amendments to the claims be entered into the application. No new subject matter is being entered. The specification contains support for the amendments e.g., page 3, paragraphs 1 and 2; page 5, paragraph 1.

102(e) Rejection of Independent Claims 1, 3, 4, 20 and 22 by Ogasawara

Ogasawara fails to show or suggest "a customer interface device at the checkout counter for alerting a customer to existence of a promotion for an item scanned at the checkout counter," as required by Applicant. Ogasawara teaches the use of a portable device such as a telephone to scan items for purchase by a shopper as the shopper moves around a store. When shopping is complete, the item information is then communicated from the portable device to a store server or a checkout terminal. (See col. 2, lines 36 – col. 3, line 3.) Applicant requires the items to be scanned at the checkout counter by the point-of-sale computer. At least these elements are missing from Ogasawara. Therefore, the rejection is improper and Applicant requests that it be withdrawn.

103(a) Rejection of Independent Claim 19 by Ogasawara in View of Sloane

Sloane teaches a system and method for influencing and potentially altering a consumer's purchase decisions at the point-of-purchase in a retail store using a portable bar code scanner. (See Sloane abstract.) Sloane's teachings also fail to show or suggest the above elements missing from Ogasawara.

The Office has failed to establish a *prima facie* case of obviousness because the references whether taken together or separately fail to show or suggest all the required elements of Applicant's claimed invention. The rejection is therefore improper and Applicant requests that it be withdrawn.

Dependent Claims

The remaining dependent claims are allowable for at least the same reasons as the corresponding independent claim.

CONCLUSION

Applicant asks the Office to reconsider this application and allow all pending claims. Please charge any fees that might be due, excluding the issue fee, to deposit account 14-0225.

Respectfully submitted,

Date: July 16, 2008

(Filed Electronically)

/Harden E. Stevens, III/
Harden E. Stevens, III
Reg. No. 55,649

NCR Corporation
1700 South Patterson Blvd.
Dayton, Ohio 45479

(803) 939-6505
(803) 939-5521 (fax)
Email: steve.stevens@ncr.com